



THE CITY OF KEY WEST

Tree Commission

Post Office Box 1409 Key West, FL 33041-1409

Telephone: 305-809-3725

**NOTICE OF ADMINISTRATIVE HEARING
BEFORE THE TREE COMMISSION OF THE CITY OF KEY WEST**

October 1, 2020

Tree Commission
City of Key West
Petitioner,

Vs.

RCJB Properties
Attn: Richard Barthelemy
4259 SW 153rd Ct
Miami, FL 33185

An administrative hearing before the Tree Commission for the City of Key West will be held on Tuesday, October 13, 2020, at 5:00 p.m., at Josephine Parker City Hall at Historic Glynn R. Archer School, 1300 White Street, Key West, Florida.

This hearing will be conducted pursuant to sections 110-288 et. seq. of the Key West City Code. The purpose of this hearing will be to determine if a code violation has been committed by the above named Respondent. Your presence is required at this Tree Commission meeting.

Date of alleged violation: prior to January 31, 2020 at 3402 Eagle Avenue, Key West, FL: Sec.

110-256. Tree abuse.

- (b) *Prohibited acts.* A tree shall be considered abused if a person takes an action so that one of the following occurs:
- (1) Significant damage has been inflicted upon any part of a tree, including the root system, by machinery, storage of materials, soil compaction, excavation, vehicle accidents, chemical application or change to the natural grade.
- (c) *Additional prohibitions.*
- (1) No private property owner or agent shall damage, cut, or carve any tree or tree root located on the owner's property; or allow any liquid, solid or biological substance that is harmful to trees to be placed within the dripline.
 - (4) Trenching of any kind shall not be done within the dripline of any tree. Only mechanical- or auger-type equipment shall be used to place conduit under a tree root system.

Sec. 110-321. Required.

- (a) Unless a tree removal permit approved by the tree commission and issued by the Urban Forestry Manager has been obtained, no person, whether on publicly or privately owned land, shall cause tree abuse or other harm, or major maintenance to, hatracking, transplanting, topping or removal of the following:
- (1) Any tree listed as "specially protected" in section 110-253;

Factual allegation: One (1) Royal Poinciana and one (1) Silver Buttonwood tree have been removed without benefit of a tree removal permit. Excavation in the primary root zone of a Gumbo Limbo tree clump for the placement of pool equipment caused damage to trees located on City right of way.

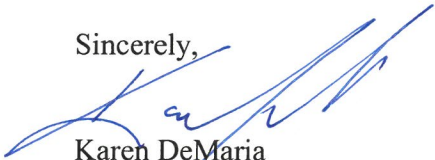
If the Tree Commission for the City of Key West finds that there has been a violation of the above code section, it will elect to enter into a compliance settlement agreement pursuant to section 110-291 of the Key West City Code or recommend a fine and further hearing before the Special Master of the City of Key West pursuant to section 110-294 of the Key West City Code.

Attendees are hereby notified that a complete and accurate record of the proceeding is required under Florida Statute 286.0105 if an appeal is sought. Appellants are responsible for providing transcription services.

I hereby certify that the forgoing notice has been mailed to the Respondents and has been sent via e-mail, regular mail, and certified U.S. Mail to the above named Respondent's listed address on this 22nd day of June 2020.

If you have any questions, please call the office at (305) 809-3768.

Sincerely,



Karen DeMaria
Urban Forestry Manager
kdemaria@cityofkeywest-fl.gov